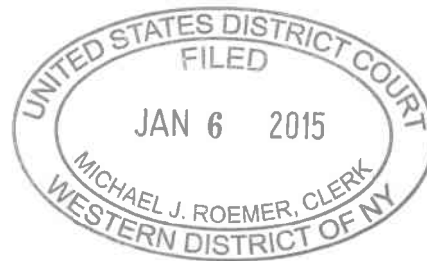


Shane- Christopher: Buczek
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

Shane Christopher
For SHANE C. BUCZEK,

Petitioner,

Vs.

UNITED STATES OF AMERICA
UNITED STATES, Respondent,

) Case No.: 1:08CR-00054.001

) 1:09CR-00121.001

) 1:09CR-00141.001 ✓

) MOTION TO ALLOW OUT-OF-STATE
) TRAVEL TO Dallas, Texas

MOTION TO ALLOW OUT-OF-STATE TRAVEL TO Dallas, Texas

Comes now Shane Christopher, in the above referenced cases, and moves the court for leave to travel from Buffalo, New York to Dallas, Texas, from January 23, 2008 to February 6, 2015 for work related commitments and see family and new Niece Bella, Nephew Cael both around a year old and see my sister Amanda and Brother Caleb for are holiday get together.

1.) Petitioner would like to travel will on January 24, 2015 to attend to family business, accompanied by his father and mother and see family members in Dallas Texas and enjoy a family get together and watch Super Bowl XLIX in Arizona on February 1, 2015 at 6:17 PM in University of Phoenix Stadium is a state-of-the-art facility in Glendale, Arizona. It is the home of the Arizona Cardinals and was the first stadium in North America to feature a retractable roof and a roll-out grass field.

2.) Petitioner has always reported to probation office and has a very good relationship with Ann Marie P. Serotte.

1 3.) Petitioner moves this court to grant his request to travel to assist his father and mother in
2 this matter family meet-up talk about business matters.

3 4.) Petitioner will have accommodations with Sister Amanda at 6208 Riverview Circle Fort
4 Worth Texas near [76112] Phone (817)-682-3997

5 **Memorandum of Law Traveling is a Right and Memorandum of Law**

6 1.) "The 'liberty' guaranteed by the constitution must be interpreted in the light of the common
7 law, the principles and history of which were familiar and known to the framers of the
8 constitution. This liberty denotes the right of the individual to engage in any of the common
9 occupations of life, to locomote, and generally enjoy those rights long recognized at common
10 law as essential to the orderly pursuit of happiness by free men." Mere v. Nebraska 262 US 390,
11 399; US v. Won Kim Ark 169 US 649, 654.

12 2.) "It (the legislature or statutory laws) may not violate constitutional prohibits or guarantees OR
13 AUTHORIZE OTHERS TO DO SO." Lockard v. Los Angeles 33 Cal2d 553; Cert den 337 US
14 939.

15 3.) "It is clear that a license relates to qualifications to engage in profession, business, trade or
16 calling; thus when merely traveling without compensation or profit, outside of business
17 enterprise or adventure with the corporate state, no license is required of the natural individual
18 traveling for personal business, pleasure and transportation." Wingfield v. Fielder (1972) 29
19 CA3d 213.

1 4.) "No statutory duty lies to apply for, or to possess a drivers' license for personal travel and
2 transportation as defendant is not within the 'class of persons for whose benefit or protection the
3 statute was enacted." *Routh v Quinn*, 20 Cal2d 488

4 5.) For many years professionals within the criminal justice system have acted upon the belief
5 that traveling by motor vehicle upon the roadway was a privilege that was gained by a citizen
6 only after approval by their respective state governments in the form of a permit or drivers
7 license.

8 6.) Legislators, police officers, and court officials are being made aware that there are court
9 decisions disproving the opinion that traveling is a privilege that requires government approval.

10 7.) "Even the legislature has no power to deny to a citizen the right to travel upon the highway
11 and transport his property in the ordinary course of his business or pleasure, though this right
12 may be regulated in accordance with the public interest and convenience." *Chicago Motor Coach*
13 *v. Chicago*, 169 NE 22. ("Regulated" here means traffic safety enforcement: stop lights, signs,
14 etc.)

15 8.) "The right of the citizen to travel upon the public highways and to transport his property
16 thereon, either by carriage or by automobile, is not a mere privilege which a city may prohibit at
17 will, but a common right which he has under the right to life, liberty, and the pursuit of
18 happiness." *Thompson v. Smith*, 154 SE 179.

19 9.) It could not be stated more conclusively that citizens of the states have a right to travel,
20 without approval or restrictions (license), and that this right is protected under the United State
21 Constitution. Here are other court decisions that expound the same facts:

1 "The right to travel is a part of the liberty of which the citizen cannot be deprived without due
2 process of law under the 5th Amendment." *Kent v. Dulles*, 357 US 116, 125.

3 10.) "Undoubtedly the right of locomotion, the right to move from one place to another according
4 to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or
5 through the territory of any State is a right secured by the 14th amendment and by other
6 provisions of the Constitution." *Schactman v. Dulles*, 96 App DC 287, 293.

7 11.) As hard as it is for those in law enforcement to believe, there is no room for speculation in
8 these court decisions. The American citizen does indeed have the inalienable right to use the
9 roadways unrestricted in any manner as long as they are not damaging or violating property or
10 rights of others.

11 12.) Government, in requiring the people to file for drivers license, vehicle registrations,
12 mandatory insurance, and demanding they stop for vehicle inspections, roadblocks, etc. are
13 restricting and therefore violating the peoples' common law right to travel.

14 13.) "The claim and exercise of a Constitutional right cannot be converted into a crime." *Miller v.*
15 *U.S.*, F.2d 486, 489.

16 14.) Reprinted from a special edition of "Aid and Abet" bulletin #11, P.O. Box 8787, Phoenix,
17 AZ. 85066, by Officer Jack McLamb.

18 15.) All Courts and Legislatures are held to the Constitution of the United States of America:
19

19.)One of Americans' basic "Bill of Rights" rights is "the basic constitutional right to travel," upheld as long ago as in cases such as *Crandall v Nevada*, 73 US 35; 18 L Ed 745 (1868), *Pinkerton v Verberg*, 78 Mich 573; 44 NW 579 (1889), and once again reaffirmed by the U.S. Supreme Court in so many words, "right to travel," in *Dunn v Blumstein*, 405 US 330; 92 S Ct 995; 31 L Ed 2d 274 (1974), and in the following cases:

20.)"Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the 14th Amendment and by other provisions of the Constitution." - *Schactman v Dulles*, 96 App D.C. 287, 293.

21.)"The right to travel is part of the Liberty of which the citizen cannot be deprived without due process of law under the Fifth Amendment." *Kent v. Dulles* 357 U.S. 116, 125. Reaffirmed in *Zemel v. Rusk* 33 US 1.

22.)"Where activities or enjoyment, natural and often necessary to the wellbeing of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them... to repeat, we deal here with a constitutional right of the citizen..." *Edwards v. California* 314 US 160 (1941).

WHEREFORE, the Petitioner **Shane Christopher** for SHANE C. BUCZEK respectfully requests that this Court enter an order permitting his to travel to Dallas, Texas for two (2) weeks as requested.

1 "This Constitution and the laws of the United States which shall be made in pursuance thereof;
2 shall be the supreme law of the land; and the judges in every state shall be bound thereby... The
3 Senators and Representatives and members of the State legislature, and all executive and judicial
4 officers of the United States and the several States, shall be bound thereby, anything in the
5 Constitution or laws of any State to the contrary notwithstanding." The Constitution of the united
6 States of America, Article VI, Cl 2, 3.

7 16.)"The United States is entirely a creature of the Constitution. Its power and authority have no
8 other source. It can only act in accordance with all the limitations imposed by the Constitution."
9 Reid v Covert 354 US 1, 1957.

10 17.)Americans' "freedom to travel throughout the United States has long been recognized as a
11 basic right under the Constitution," according to multiple cases including Williams v Fears, 179
12 US 270, 274; 21 S Ct 128; 45 L Ed 186 (1900); Twining v New Jersey, 211 US 78, 97; 29 S Ct
13 14; 53 L Ed 97 (1908), as listed in the case of United States v Guest, 383 US 745; 86 S Ct 1170;
14 16 L Ed 2d 239 (1968), a case involving criminally prosecuting people for obstructing the right
15 (obstruction is a federal crime pursuant to federal criminal law 18 USC 241).

16 18.) The Supreme Court in Guest says of the "right to travel" that "Its explicit recognition as one
17 of the federal rights protected by what is now 18 USC 241 goes back at least as far as 1904.
18 United States v Moore, 129 F 630, 633 [Circ Ct ND Ala, 1904]. We reaffirm it now." As we see,
19 the Michigan Supreme Court had already recognized it in 1889, and Crandall v Nevada had
20 alluded to the concept in 1867. The earliest known case working towards developing the concept
21 was Smith v Turner, 48 US 283 (1849).

1
2 I declare under penalty of perjury 28 USC Section 1746 (1).

3
4
5 Respectfully submitted,
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10
11 *Shane Christopher*
12
13

14 Shane Christopher
15 c/o 7335 Derby Road
16 Derby, New York, America
17 Non Domestic without the US
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CERTIFICATE OF SERVICE

COPY of the forgoing TRAVEL MOTION AND Memorandum of Law hand delivered to Clerk of the Court Buffalo New York

This 6th day of JANUARY, 2015, to:

United States Attorney Office
138 Delaware Avenue
Buffalo, New York 14202



Service performed by: Shane Christopher